

CHAPTER 2026-54

House Bill No. 895

An act relating to trustee settlement and discharge; creating s. 736.10081, F.S.; authorizing a trustee to obtain a settlement of his or her accounts and be discharged under certain circumstances; requiring a trustee seeking settlement and discharge to send a trust disclosure document to specified persons; requiring that certain information be included in the trust disclosure document; requiring that the trust disclosure document and any objections be sent with a certain notice; providing applicability; providing that an objection need not state the grounds for the objection; providing that a trustee is discharged upon completion of distributions or transfers if no timely written objections are received and is discharged from all liability and claims arising out of any matter disclosed in the trust disclosure document; providing that a waiver of the right to object is treated as an expiration of the timeframe to object; providing construction; providing applicability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 736.10081, Florida Statutes, is created to read:

736.10081 Nonjudicial settlement and discharge of a trustee; disclosure; objections.—

(1) A trustee who is in substantial compliance with the duty to inform and account under s. 736.0813 may obtain a settlement of his or her accounts and be discharged pursuant to this section when either of the following occurs 6 months after the trustee's acceptance:

(a) The trust terminates.

(b) A trustee resigns or is removed from the trust.

(2) A trustee seeking settlement and discharge pursuant to this section must send to the trust's qualified beneficiaries and any cotrustee, and the immediate successor trustee if the trust is not terminating, a trust disclosure document as defined in s. 736.1008(4) which contains all of the following:

(a) The name, mailing address, telephone number, and e-mail address of the trustee seeking discharge.

(b) A plan of distribution which includes all of the following:

1. A schedule of the assets reasonably anticipated to be disbursed or distributed by the trustee.

2. The amount of any debts, expenses, and taxes to be paid by the trustee.

3. Any reasonable reserve to be held by the trustee.

(c) If the trustee's duty to account has not been waived, a trust accounting as defined in s. 736.1008(4) for the period for which an accounting has not been previously provided to the qualified beneficiaries of the trust.

(d) A statement that the trust has terminated or that the trustee has resigned or has been removed.

(e) A notice with substantially the following language in at least 12-point type:

“NOTICE: Any claim or cause of action you might have against the trustee arising from any matter disclosed in a trust disclosure document may be barred unless a written statement objecting is received by the trustee from you within 60 days after your receipt of this trust disclosure document and notice. If you have questions, please consult your attorney.”

(3) The trustee shall also send the trust disclosure document described in subsection (2) to any other person who the trustee reasonably believes would be affected by the trust disclosure document. The trust disclosure document and any objections must be sent with the notice requirements of s. 736.0109, except that s. 736.0109(3) does not apply.

(4) This section does not apply if the trustee receives a written objection within 60 days after sending the trust disclosure document. An objection does not need to state the grounds for the objection or be in any particular form.

(5) If the trustee does not receive a timely written objection, the trustee is discharged upon completion of all distributions or transfers in accordance with the plan of distribution and is discharged from all liability and claims arising from any matter adequately disclosed in the trust disclosure document, including any claim that the trustee failed to inform and account pursuant to s. 736.0813, with the same effect as if the court had entered a final order approving that act or omission.

(6) A waiver of the right to object pursuant to this section is treated as the expiration of the 60-day period without objection.

(7) This section is in addition to, and not a replacement of, rights of a trustee to otherwise settle the trustee's accounts.

Section 2. This act applies to all trusts that are irrevocable or become irrevocable on or after the effective date of this act.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor April 29, 2026.

Filed in Office Secretary of State April 29, 2026.